

Perry Petersen, Chair
Joe Sammut, Vice Chair
Rick Biasotti
Mary Lou Johnson
Kevin Chase
Sujendra Mishra
Bob Marshall, Jr,

# MINUTES PLANNING COMMISSION MEETING

July 19, 2011

7:00 p.m.

Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno

# CALL TO ORDER at 7:01 pm.

### **ROLL CALL**

•	<u>Present</u>	<u>Absent</u>
Chair Petersen	X	
Vice Chair Sammut	X	
Commissioner Biasotti	X	
Commissioner Marshall		X
Commissioner Mishra		X
Commissioner Chase	X	
Commissioner Johnson	X	

### STAFF PRESENT:

Planning Division:

Community Development Director: Aaron Aknin

Acting Planning Manager: Lisa Costa Sanders

Associate Planner: Laura Russell Assistant Planner: Matt Neuebaumer Recording Secretary: Shauna Williams

Pledge of Allegiance:

Chair Petersen

# 1. Approval of Minutes - May 17, 2011

Motion to Approve Minutes of May 17, 2011 Planning Commission meeting.

Biasotti/ Johnson

VOTE:

5-0

AYES:

All Commissioners Present at that time.

NOES:

None

ABSTAIN:

None

### 2. Communication

CD Director Aknin: I would like to welcome Council Member Salazar to our Planning Commission Meeting tonight.

E-Packets are available on line at www.sanbruno.ca.gov

Draft Transit Corridor Plan is available on line at www.planbruno.org

### 3. Public Comment - None

#### 4. Announcement of Conflict of Interest

CD Director Aknin: Commissioner Marshall has a conflict of interest with agenda item 5.D.

### 5. Public Hearings

#### A. 1716 Kains Avenue

Request for a Use Permit for construction of an addition which increases the gross floor area of the existing home by greater than 50% (61.5%) and to allow an addition to exceed 1,825 square feet of living space with a one car garage per Sections 12.200.030.B.1 and 12.200.030.B.5, of the San Bruno Municipal Code. Mark Walker (Owner) UP-11-005.

Acting Planning Manager Costa Sanders: Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 11-005 based on Findings of Fact 1-7 and subject to Conditions of Approval 1-23.

Chair Petersen asked the Commission if there were any questions for staff.

**Public Comment Opened** 

Mark Walker, Applicant: The only thing I would like to address tonight is the eco-friendly initiatives we will be using for this project. We intend on using pre-fabricated forms for the foundation, engineered lumber and studs will be used for the framing, and we will be installed energy efficient lighting through out the house.

Public Comment Closed.

Motion to approve Use Permit 11-005 based on Findings of Fact (1-7) and Conditions of Approval (1-23).

## **Commissioner Johnson/ Biasotti**

VOTE:

5-0

AYES:

All Commissioners Present.

NOES:

None

ABSTAIN:

None

Chair Petersen advised of a 10-day appeal period

### **FINDINGS OF FACT**

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.

- 2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given its quality architectural features and its general conformance to a majority of regulations as set forth in the Municipal Code.
- 3. The proposed development will be consistent with the general plan.
- 4. The proposed development, as set forth on the plans, and with recommendations by staff, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.
- 5. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood.
- 6. The proposed expansion complies with applicable off-street parking standards of the City of San Bruno Zoning Ordinance.
- 7. That any proposed single-family or two-family dwelling conforms to the basic design principles of the residential design guidelines as adopted by resolution by the city council and as may be revised from time to time.

# Community Development Department - (650) 616-7074

- 1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 11-005 shall not be valid for any purpose. Use Permit 11-005 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
- 2. The signed copy of the Summary of Hearing shall be photocopied and included on a full size page in the Building Division set of drawings.
- 3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on July 19, 2011 labeled Exhibit C except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
- 4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
- 5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

- 6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
- 7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code or as storage. The residence must have the ability to park one vehicle in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
- 8. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.
- 9. Prior to Final Inspection, 15% of the site shall be landscaped and any site landscaping damaged during construction shall be replanted to the satisfaction of the Community Development Director. No more than 80% of the lot shall consist of impervious surface.

### Department of Public Services - (650) 616-7065

- 10. Please note that the front property line is located 5.5 feet behind the sidewalk at Kains Avenue Way. No fences, retaining walls, or other permanent structure shall be placed or constructed within 5.5 feet from back of sidewalk along Kains Avenue. S.B.M.C. 8.08.010.
- 11. The Applicant shall provide flow line diagrams for cold water lines, hot water lines, gas lines, and sanitary sewer lines to include all existing and proposed systems in accordance with the applicable California Building Code 2010.
- 12. Encroachment Permit from Public Works Department is required prior to commencing any work within the City's public right-of-way. S.B.M.C. 8.16.010.
- 13. All damaged curb, gutter, sidewalk or driveway in the public right-of-way fronting the property shall be removed and replaced. Remove and replace all damaged and/or broken sidewalk at front of property for all location where there are any raised or offset concrete sections greater than or equal to 3/4—inch. S.B.M.C. 8.12.010.
- 14. Planting of one 36-inch box size approved tree or payment to the in-lieu replacement tree fund per most current fee schedule is required. Tree shall be located on Kains Avenue. S.B.M.C. 8.24.060. At the current rate, the impact payment required is \$540. A separate tree-planting permit is required from Parks and Recreation Services for any new street tree.
- 15. If not present, the applicant shall install a sanitary sewer lateral clean-out at property line per City standards detail SS-01
- 16. Paint address number on face of curb near driveway approach. Black lettering on white background.
- 17. Erosion control plan and storm water pollution prevention plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform to the current NPDES requirements. S.B. Municipal Code 12.16.020.
- 18. Storm water from new and existing roof down spouts and other on-site drainage, shall be collected

and drained to an underground storm water system or through an under sidewalk curb drain to the gutter per City standards detail SI-03.

- 19. The building permit plans shall include a site plan that shows all properly lines, setbacks and easements, and all existing and proposed grading and drainage improvements. All unpaved areas shall be graded to slope at 1% or more. All paved areas shall be graded to slope at 0.5% or more. All grading and drainage work shall conform to the current NPDES requirements. S.B.MC. 12.16.020
- 20. Perform water demand calculation based requirements in Chapter 7 of the California Plumbing Code to confirm that the existing water service and meter are sufficient to serve water demand. If existing meter is undersized, a new meter is required. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter. S.B.M.C. 10.14.020/110.

### Fire Department- (650) 616-7096

- 21. Address numbers to be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
- 22. Provide hard-wired smoke detectors with battery backup as required by building code.
- 23. Provide spark arrester for chimney if not currently in place.

### B. 2321 Oakmont Drive

Request for a Use Permit to allow the construction of an addition which exceeds the 44% lot coverage requirement (50%), per sections 12.200.040B.3 of the San Bruno Municipal Code. Bess Cipriano (Applicant), Wilfredo B.V. Fernando (Owner) UP-11-006.

Assistant Planner Neuebaumer: Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 11-006 based on Findings of Fact 1-7 and subject to Conditions of Approval 1-23.

Chair Petersen asked the Commission if there were any questions for staff.

Chair Petersen: On page three there is a table about site conditions that indicates the existing and proposed conditions are one space for covered parking, however, the plans show two parking spaces.

Assistant Planner Neuebaumer: That is a typo; there are two covered parking spaces and they will remain.

Public Comment Opened.

Bess Cipriano, Applicant: To implement green building measures, I will make recommendations to the owner that he use mulch, drought resistant and native plants for landscaping.

Commissioner Johnson: Do you agree with all of the conditions of approval for this project?

Bess Cipriano, Applicant: Yes.

Public Comment Closed.

Motion to approve Use Permit 11-006 based on Findings of Fact (1-7) and Conditions of Approval (1-23).

**Commissioner Chase/ Johnson** 

VOTE:

5-0

AYES:

All Commissioners Present.

NOES:

None

ABSTAIN:

None

# Chair Petersen advised of a 10-day appeal period

### **FINDINGS OF FACT**

- 1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.
- 2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given its quality architectural features and its general conformance to a majority of regulations as set forth in the Municipal Code.
- 3. The proposed development will be consistent with the general plan.
- 4. The proposed development, as set forth on the plans, and with recommendations by staff, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.
- 5. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood.
- 6. The proposed expansion complies with applicable off-street parking standards of the City of San Bruno Zoning Ordinance.
- 7. That any proposed single-family or two-family dwelling conforms to the basic design principles of the residential design guidelines as adopted by resolution by the city council and as may be revised from time to time.

# **CONDITIONS OF APPROVAL**

# Community Development Department - (650) 616-7074

- The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 11-006 shall not be valid for any purpose. Use Permit 11-003 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
- 2. The signed copy of the Summary of Hearing shall be photocopied and included on a full size page in the Building Division set of drawings.

- 3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on July 19, 2011 labeled Exhibit C except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
- 4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
- 5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
- 6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
- 7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code or as storage. The residence must have the ability to park one vehicle in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
- 8. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.
- 9. Prior to Final Inspection, 15% of the site shall be landscaped and any site landscaping damaged during construction shall be replanted to the satisfaction of the Community Development Director. The applicant shall submit a complete landscaping plan at the time of building permit submittal. No more than 80% of the lot shall consist of impervious surface.

## Department of Public Services - (650) 616-7065

- 10. Please note that the front property line is located 3.5 feet behind the sidewalk at Oakmont Drive. No fences, retaining walls, or other permanent structure shall be placed or constructed within 3.5 feet from back of sidewalk along Dover Court. S.B.M.C. 8.08.010.
- 11. The Applicant shall provide flow line diagrams for cold water lines, hot water lines, gas lines, and sanitary sewer lines to include all existing and proposed systems in accordance with the applicable California Building Code 2010.
- 12. Encroachment Permit from Public Works Department is required prior to commencing any work within the City's public right-of-way. S.B.M.C. 8.16.010.
- 13. All damaged curb, gutter, sidewalk or driveway in the public right-of-way fronting the property shall be removed and replaced. Remove and replace all damaged and/or broken sidewalk at front of property for all location where there are any raised or offset concrete sections greater than or equal to 3/4 –inch. S.B.M.C. 8.12.010.
- 14. Planting of one 36-inch box size approved tree or payment to the in-lieu replacement tree fund per

most current fee schedule is required. Tree shall be located on Oakmont Drive. S.B.M.C. 8.24.060. At the current rate, the impact payment required is \$540. A separate tree-planting permit is required from Parks and Recreation Services for any new street tree.

- 15. If not present, the applicant shall install a sanitary sewer lateral clean-out at property line per City standards detail SS-01
- 16. Paint address number on face of curb near driveway approach. Black lettering on white background.
- 17. Erosion control plan and storm water pollution prevention plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform to the current NPDES requirements. S.B. Municipal Code 12.16.020.
- 18. Storm water from new and existing roof down spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an under sidewalk curb drain to the gutter per City standards detail SI-03.
- 19. The building permit plans shall include a site plan that shows all properly lines, setbacks and easements, and all existing and proposed grading and drainage improvements. All unpaved areas shall be graded to slope at 1% or more. All paved areas shall be graded to slope at 0.5% or more. All grading and drainage work shall conform to the current NPDES requirements. S.B.MC. 12.16.020
- 20. Perform water demand calculation based requirements in Chapter 7 of the California Plumbing Code to confirm that the existing water service and meter are sufficient to serve water demand. If existing meter is undersized, a new meter is required. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter. S.B.M.C. 10.14.020/110.

## Fire Department- (650) 616-7096

- 21. Address numbers to be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
- 22. Provide hard-wired smoke detectors with battery backup as required by building code.
- 23. Provide spark arrester for chimney if not currently in place.

## C. 699 San Mateo Avenue

Request for a Use Permit to allow alcohol beverage sales in conjunction with a restaurant per Chapter 12.84.210 and 12.96.120C.12, of the San Bruno Municipal Code. Sergio Castellanos Munoz (Applicant), Lim Hang (Owner). UP-11-011.

Assistant Planner Neuebaumer: Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 11-011 based on Findings of Fact 1-5 and subject to Conditions of Approval 1-14.

Chair Petersen asked the Commission if there were any questions for staff.

Commissioner Johnson: Are there any previously reported problems within the past few years at this site?

Assistant Planner Neuebaumer: No there have not been any reports of issues at this site.

Public Comment opened.

*Applicant:* I am a partner with the business owner, and we are here tonight to obtain approval for our business to sell alcohol.

Public Comment closed.

*Chair Petersen:* You stated verbally, Findings of Fact 1-5, however, the staff report states Findings of Fact 1-7.

Assistant Planner Neuebaumer: Findings of Fact 1-5 is correct.

*CD Director Aknin:* I would like to acknowledge the applicant for his patience in this process. Unfortunately his license lapsed and in order to renew his ABC license he had to reapply through the Planning Commission Use Permit process.

# Motion to approve Use Permit 11-0011 based on Findings of Fact (1-5) and Conditions of Approval (1-14).

# **Commissioner Chase/ Biasotti**

VOTE:

5-0

AYES:

All Commissioners Present.

NOES:

None

ABSTAIN:

None

# Chair Petersen advised of a 10-day appeal period

# **Findings of Fact**

- 1. The activity or use does not jeopardize, endanger or result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
- 2. The activity or use does not result in repeated nuisance activities or police interventions within the premises or in close proximity of the premises, including but not limited to criminal activities, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
- 3. The activity or use does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute.
- 4. The upkeep and operating characteristics of the activity or use are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- 5. The applicant for a liquor license receives a Letter of Public Convenience or Necessity issued by the City of San Bruno for an application which would tend to create a law enforcement problem, or if issuance would result in or add to an "Undue Concentration" of licenses, required due to either of the following conditions:
  - a. The applicant premises are located in a crime reporting district that has a 20% greater

- number of reported crimes in a geographical area within the boundaries of the city than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the San Bruno Police Department that are identified by the department in the compilation and maintenance of statistical information on reported crimes and arrests.
- b. The applicant premises are located in an area of Undue Concentration, which is defined to exist when an original application or premises-to-premises application is made for a retail on-sale license in a census tract where the ratio of existing on-sale retail licenses to population in the census tract exceeds or will exceed the ratio of retail on-sale licenses to population in San Mateo County.

# Community Development Department - (650) 616-7042

- The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary Hearing to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, and Use Permit 11-011 shall not be valid for any purpose. Use Permit 11-011 shall expire one (1) year from the date of approval unless the plan is executed.
- 2. The request for a Use Permit shall be operated by the owner and any successor in interest, according to plans approved by the Planning Commission on July 19, 2011 labeled Exhibit B and D, except as required to be modified by these Conditions of Approval. The business shall continue to operate as a full service restaurant and shall not be converted into a Bar/Tavern in the future. Any modification to the approved plans or any deviation or change in the business activities shall require prior approval by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.
- 3. The applicant shall conduct regular maintenance of the site to maintain the premises and remove debris and litter at the front, and rear of the building.
- 4. The hours of operation shall be limited to 9:00 a.m. until 9:00 p.m. Any changes from the hours of operation shall require prior authorization of the Community Development Director. Any change that results in a later closing time shall also require review by the Police Department.
- 5. The applicant or property owner shall clean graffiti on the property and/or paint over it within 24 hours of its appearance. This condition also gives the City of San Bruno consent to have the graffiti painted out for the applicant. If the graffiti is not removed within 24 hours, the City's graffiti removal vendor will be instructed to remove the graffiti and provide a detailed accounting of the cost to the property owner, who will be responsible for reimbursing the City for the graffiti removal.
- 6. The Community Development Director may call this back to the Planning Commission if he/she finds that the business is not complying with the required performance standards or conditions of approval.
- 7. All trash and trash containers shall be stored within appropriate designated trash areas. Sufficient trash container capacity shall be provided to ensure that all trash and debris from the building can be stored within the trash container area and with completely closed lids. The trash enclosure shall be covered and shall comply with San Mateo Countywide Water Pollution Prevention Program best management practices and shall be submitted to Planning Division.

- 8. Any new signs shall be approved by the Planning Division under a separate application and must comply with Fire Department Conditions of Approval. Signs shall be installed prior to Final Inspection.
- The applicant shall provide the signed copy of the Summary of Hearing to the Alcohol, Beverage and Control Board (ABC). The signed summary of hearing will serves as the Letter of Public Convenience of Necessity as required by ABC.

## Police Department- (650) 616-7100

- 10. Address numbers for the business are to be visible on a contrasting background, easily visible from the street, both along San Mateo Avenue and at the rear business door. The address numbers for the business also must be visible at night.
- 11. Adequate lighting of the grounds contiguous to the building and of sufficient wattage shall be provided to make clearly visible the presence of any person on or about the premises during the hours of darkness and to ensure a safe and secure environment for all persons and property on site.
- 12. The applicant shall comply with all Alcohol and Beverage Control requirements.
- 13. The applicant is responsible for providing emergency contact information to the police department for after hour's emergencies.
- 14. Alcohol consumption shall be limited to the interior of the restaurant area. At no time shall alcohol be consumed outside of the restaurant.

#### D. 560 San Mateo Avenue

Request for a Conditional Use Permit to operate a coin operated laundry facility in the Central Business District per Section 12.96.120.C.3 of the San Bruno Municipal Code. Nick Barbarotto (Owner) Alex Nie (Applicant) UP 11-010.

Associate Planner Russell: Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 11-010 based on Findings of Fact (1-3) and Conditions of Approval (1-22).

Chair Petersen asked the Commission if there were any questions for staff.

Commissioner Biasotti: At the Architectural Review Committee meeting, we discussed improvements to the rear of the property, such as the seating and the ADA ramp. I do not see any of these items on the drawings.

Associate Planner Russell: They are not shown on the plans yet. At the Architectural Review Committee meeting the applicant expressed an interest in removing the existing ramp at the rear of the property and rebuilding an ADA compliant ramp. They also want to add seating for their customers. Staff is familiar with best practices to create comfort for their customers and we plan to work with the applicant.

Commissioner Chase: I want to be clear that we are discussing the outside area at the rear of the property, which is in need of repair.

Associate Planner Russell: Yes, it is the ramp at the rear that is visible from the public parking lot behind it.

Commissioner Chase: I am concerned that the seating in the back of the property will attract non-customers. Is the back door going to be open at all times during business hours?

Associate Planner Russell: Staff will be working with the applicant to develop a flexible and safe operation plan. The applicant has proposed a glass door for the rear entrance, which will make it easier for the employees to monitor.

Public Comment Opened.

Alireza Shirazifard; Business Owner: I am available for any questions you may have regarding my project.

Commissioner Chase: Will the back door be open to the public during normal business hours or will you be closing the back door earlier than 11:00 p.m.?

Alireza Shirazifard; Business Owner: The business hours are from 7 a.m. to 11:00 p.m., I feel it would be best to start the business and figure out what the best practices would be.

Commissioner Chase: 11:00 p.m. seems late to me. Most laundry mats are open 6:00 a.m. to 10:00 p.m.

Alireza Shirazifard; Business Owner: We can change the business hours of operation if you would like. We have no problem being flexible.

Commissioner Chase: I am just concerned with the safety of the customers. There are not many other businesses in that area open that late.

Alireza Shirazifard; Business Owner: I have not been to that location late at night, so I am unaware of any safety concerns. However, we will have security cameras and staff on-site.

Commissioner Chase: Question for staff, if this application is approved with business hours of 7:00 a.m. to 11:00 p.m., can those be changed or altered at later time without having Planning Commission approval?

CD Director Aknin: Yes, the proposal is for the maximum hours permitted. The applicant can reduce his hours without an approval.

Chair Petersen: I wanted to compliment you on the design of the building it looks great.

Public Comment Closed.

Commissioner Johnson: I did serve on the Architectural Review Committee meeting when this item was reviewed and I feel that the Committee thoroughly reviewed the safety and lighting details of the project. I think 11:00 p.m. closing time is not unreasonable for most families with children. However, I would like to leave it at a staff discretion if any problems were to arise that staff can alter the hours of operation.

Chair Petersen: I would like to ask that staff implement some type of policy to verify that the proposed security cameras are actually working for this project and all others with the same type of proposal.

# Motion to approve Use Permit 11-010 based on Findings of Fact (1-3) and Conditions of Approval (1-22).

### **Commissioner Chase/ Biasotti**

VOTE:

5-0

AYES:

All Commissioners Present.

NOES:

None

ABSTAIN:

None

# Chair Petersen advised of a 10-day appeal period

### **Findings of Fact**

- 1. The proposed use will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the person residing or working in the neighborhood or such proposed use.
- 2. The proposed use will not be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.
- 3. The proposed use will be consistent with the general plan and redevelopment plan.

## Community Development Department — (650) 616-7074

- 1. The business operator shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Use Permit 11-010 shall not be valid for any purpose. Use Permit 11-010 shall expire one (1) year from the date of approval unless the plan is executed.
- 2. The signed copy of the Summary of Hearing shall be photocopied and included as a full size page in the Building Division set of drawings.
- 3. The proposal for construction at 560 San Mateo Avenue shall be built according to the plans and business description accompanying this report and approved by the Architectural Review Committee on July 14, 2011, and Planning Commission on July 19, 2011 except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Community Development Director.
- 4. All conditions of approval associated with AR 11-010 shall be completed prior to business operation.
- 5. Prior to Building Permit issuance, the applicant shall meet with Planning staff to confirm that the business has adequate trash service. All trash, recyclables, and trash containers shall be covered and stored within appropriate designated trash areas and not visible from the public right of way except during refuse pickup times.
- 6. Any change in the approved plans requires Community Development Director approval and possibly Architectural Review Committee approval. Any deviations from the approved plans without prior consent will result in a "Stop Work" notice being placed on the building permit.
- 7. The applicant shall obtain a City of San Bruno building permit and encroachment permit before construction can proceed. The proposed building tenant improvements and changes to the façade shall be incorporated into one building permit plan submittal and shall address ADA requirements. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
- 8. The business operator or property owner will clean graffiti on the property and/or paint over it within 24 hours of its appearance, using paint color approved by the Architectural Review Committee. This condition also gives the City of San Bruno consent to have the graffiti painted out for the applicant. If the graffiti is not removed within 24 hours, the City's graffiti removal

- vendor will be instructed to remove the graffiti and provide a detailed accounting of the cost to the property owner, who will be responsible for reimbursing the City for the graffiti removal.
- 9. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
- 10. The business operator shall conduct regular maintenance of the site to maintain the premises and remove accumulation of litter and debris. Each morning employees shall inspect the site and adjacent public right-of-way and remove any accumulated debris. Failure to do so will result in Code Enforcement violations.
- 11. The applicant shall indicate the location, type, and size of the security cameras prior to building permit issuance. Adequate lighting shall be installed if needed to ensure proper function of the exterior cameras. The applicant shall coordinate with the Community Development Department and Police Department to ensure a proper security camera system with the ability to record is installed prior to final inspection.
- 12. The applicant/developer shall indemnify, defend, and hold harmless the city, its officers, employees and agents, from any and all claims and lawsuits from third party(s) involving or related to the city's consideration and/or approval of the applicant/developer's application for development.
- 13. The business operator and any successor in interest, shall agree to operate the coin operated laundry facility in the manner as described in the staff report and in the applicant's support statement. Any deviation or change in business activities shall require prior authorization by the Community Development Director and may require full Planning Commission review. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.
- 14. The Applicant shall provide flow line diagrams for cold water lines, hot water lines, gas lines, and sanitary sewer lines to include all existing and proposed systems in accordance with the applicable California Building Code 2010.
- 15. Encroachment Permit from Public Works Department is required prior to commencing any work within the City's public right-of-way. S.B.M.C. 8.16.010.
- 16. All damaged curb, gutter, sidewalk or driveway in the public right-of-way fronting the property shall be removed and replaced. Remove and replace all damaged and/or broken sidewalk at front of property for all location where there are any raised or offset concrete sections greater than or equal to 3/4 –inch. S.B.M.C. 8.12.010.
- 17. If not present, the applicant shall install a sanitary sewer lateral clean-out at property line per City standards detail SS-01
- 18. Paint address number on face of curb near driveway approach. Black lettering on white background.
- 19. Erosion control plan and storm water pollution prevention plan required. Must show existing storm drain inlets and other storm water collection locations protected by silt screens or silt fence. Work shall conform to the current NPDES requirements. S.B. Municipal Code 12.16.020.
- 20. Storm water from new and existing roof down spouts and other on-site drainage, shall be collected

and drained to an underground storm water system or through an under sidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.

- 21. The building permit plans shall include a site plan that shows all properly lines, setbacks and easements, and all existing and proposed grading and drainage improvements. All unpaved areas shall be graded to slope at 1% or more. All paved areas shall be graded to slope at 0.5% or more. All grading and drainage work shall conform to the current NPDES requirements. S.B.MC. 12.161.020
- 22. Perform water demand calculation based requirements in Chapter 7 of the California Plumbing Code to confirm that the existing water service and meter are sufficient to serve water demand. If existing meter is undersized, a new meter is required. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter. S.B.M.C. 10.14.020/110.

E. 890 El Camino Real

Request for a Conditional Use Permit and Architectural Review Permit to allow the expansion of an existing skilled nursing facility per Chapters 12.96.110.C. and 12.108.010 of the San Bruno Municipal Code. MSW Architectural & Engineering Services (Applicant) Foresight Management (Owner). UP 10-005 and AR 10-003.

Associate Planner Russell: Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 10-005 and Architectural Review Permit 10-003 based on Findings of Fact 1-10 and subject to Conditions of Approval 1-18 and an additional condition related to employee parking.

Chair Petersen asked Commission if there were any questions for staff.

Commissioner Johnson: Do the OSHPD requirements apply to this project because it is labeled as a hospital?

Associate Planner Russell: Yes, OSHPD regulations apply to hospitals and nursing facilities.

Commissioner Johnson: This facility would not be classified as a boarding home?

Associate Planner Russell: Boarding care homes usually operate at a residential home and require another type of application.

*Commissioner Biasotti:* At the Architectural Review Committee meeting, we had asked that the applicant fix and repair the fence and clean up the landscaping along El Camino Real. I do not see that addressed in the plans.

Associate Planner Russell: It is not addressed and thank you for bringing that to my attention. I have added a condition of approval that the applicant maintain the landscaping and we will ask that the applicant address the fence in his presentation.

Commissioner Chase: I thought the applicant mentioned at the Architectural Review Committee meeting that the fence and sign were not in their purview?

Associate Planner Russell: We had two related discussions: one; that there are limitations as to what can be done to the existing building, which the applicant can address in his presentation and two; the applicant had originally proposed some dramatic changes to the fence and landscaping that staff did not support.

Public Comment opened.

Steve Kieke; Applicant: I would like to thank the Commission for hearing my project tonight and I would also like to thank Laura Russell for presenting a detailed staff report. I would like to take this time to clarify a few things in regards to the fence and landscaping. The issue with the fence is due to graffiti, otherwise the fence is not in terrible condition. There is a condition of approval within the staff report that deals with graffiti on the property. The current condition of the landscaping along the fence line protects the fence from graffiti. The original proposal was to eliminate most of the landscape, which would expose the fence to more graffiti. The other discussion was in regards to adding an addition to a building that was built in 1962. If we were to do an addition to the existing building we would be required to update the entire structure to the current code. This means we would have to demo the structure and start new. To proceed with our project we had to design a new unattached building on the property. I would also like to discuss the topic of solar panels that had been suggested at the Architectural Review meeting. The one uncertainty at this point would be that our facility requires back up generators, which complicates using solar panels. We are conducting further research and we will submitting a study to the City before securing a building permit. I am available for any questions.

Commissioner Johnson: Is there any work being done to the existing building to match the new building?

Steve Kieke; Applicant: Yes, we will be repainting the existing building to match the new and we will detail the trim as well.

*Commissioner Johnson:* The staff report mentions a monument sign on the corner of the property. Is that something you plan to design?

Steve Kieke; Applicant: Staff made a recommendation to construct a monument sign on the corner near the building. We think that is a great idea and we plan to participate in the design of the sign.

Chair Petersen: I want to ask if you get into the business aspects of this facility at all.

Steve Kieke; Applicant: Not with this specific facility.

Chair Petersen: I was very pleased to see that this facility has very high ratings.

Steve Kieke; Applicant: Yes, I was happy to find that out myself. My client has the best ratings I have seen thus far.

Chair Petersen: Do you know if the existing building has any type of earthquake proofing at all?

Steve Kieke; Applicant: We had a summary done by an engineer in 2009 that we can submit to the City for review. I do not recall exactly what the report states; however, I do know that it is a wood framed structure with more wall than window. In my experience, this is a sturdy type of construction.

Public Comment Closed.

Motion to approve Use Permit 10-005 and Architectural Review Permit 10-003 based on Findings of Fact (1-10) and Conditions of Approval (1-18). With additional Condition.

## **Commissioner Johnson/ Chase**

VOTE:

5-0

AYES:

All Commissioners Present.

NOES:

None

ABSTAIN:

None

Chair Petersen advised of a 10-day appeal period

# **Findings of Fact**

- 1. That the location, size and intensity of the proposed operation will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood.
- 2. That the accessibility of the off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses.
- 3. That sufficient landscape areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking areas from the street and adjoining building areas from paved areas to provide access from buildings to open areas. In addition, that adequate guarantees are made, such as the filing of a performance bond, to insure maintenance of landscaped areas.
- 4. The proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.
- 5. That the improvement of any commercial or industrial structure, as shown on the elevations as submitted, is not detrimental to the character or value of an adjacent residential district.
- 6. That the proposed development will not excessively damage or destroy natural features, including trees, shrubs, creeks and rocks, scenic corridors, and the natural grade of the site.
- 7. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood.
- 8. The proposed use will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the person residing or working in the neighborhood or such proposed use.
- 9. The proposed use will not be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.
- 10. That the proposed development is consistent with the San Bruno General Plan.

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Use Permit UP-10-005 and Architectural Review Permit 10-003 shall not be valid for any purpose. Use Permit UP-10-005 and Architectural Review Permit 10-003 shall expire 18 months from the date of approval unless the plan is executed.

- The skilled nursing facility shall be constructed according to plans approved by the Planning Commission on July 19, 2011, 2011, labeled Exhibit C except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
- 3. Prior to occupancy of the addition to the existing facility, all pertinent conditions of approval and all improvements shall be complete to the satisfaction of the City of San Bruno. The applicant shall make a deposit of \$5,000 to the Community Development Department to ensure that all conditions are met. Use Permit UP-10-005 and Architectural Review Permit 10-003 shall not be valid for any purpose until this deposit is made. The deposit shall be refunded upon satisfactory completion of the project.
- 4. The project shall comply with all Office of Statewide Health Planning and Development (OSHPD) requirements.
- 5. The project shall comply with all Americans with Disabilities Act (ADA) requirements.
- 6. The applicant shall secure a building permit for all work that is not covered by OSHPD review, including, but not limited to the trash enclosure, ADA parking, and monument sign.
- 7. Prior to the start of construction, the applicant shall meet with City staff to review the plans approved by OSHPD and ensure compliance with the Conditions of Approval.
- 8. The applicant or property owner will clean graffiti on the property and/or paint over it within 24 hours of its appearance, using a matching paint color. This condition also gives the City of San Bruno consent to have the graffiti painted out for the applicant. If the graffiti is not removed within 24 hours, the City's graffiti removal vendor will be instructed to remove the graffiti and provide a detailed accounting of the cost to the property owner, who will be responsible for reimbursing the City for the graffiti removal.
- 9. All trash and trash containers shall be stored within appropriate designated trash areas. Sufficient trash container capacity shall be provided to ensure that all trash and debris from the building can be stored within the trash container area and with completely closed lids. The applicant shall meet on site with a representative of Regcology and Planning staff to confirm that the proposed trash enclosure will meet the service needs after the expansion.
- 10. The trash enclosure shall be covered and shall comply with San Mateo Countywide Water Pollution Prevention Program best management practices and shall be approved by the Planning Division prior to building permit issuance.
- 11. The skilled nursing facility operator shall be responsible for maintenance of the landscaping for the life of the project, including the planting areas located in the public right of way between the sidewalk and property line. Professional level landscape maintenance shall be required, including trimming, weeding, and plant replacement. Failure to maintain landscaping will result in Code Enforcement action by the City.
- 12. On a routine basis, employees shall inspect the site and adjacent public right-of-way and remove any accumulated litter or debris. Failure to do so will result in Code Enforcement violations.

- 13. The developer shall indemnify, defend, and hold harmless the city, its officers, employees and agents, from any and all claims and lawsuits from third party(s) involving or related to the city's consideration and/or approval of the developer's application for development.
- 14. Encroachment Permit from Public Works Department is required prior to commencing any work within the City's public right-of-way. S.B.M.C. 8.16.010.
- 15. All damaged curb, gutter, sidewalk or driveway in the public right-of-way fronting the property shall be removed and replaced. Remove and replace all damaged and/or broken sidewalk at front of property for all location where there are any raised or offset concrete sections greater than or equal to 3/4 –inch. S.B.M.C. 8.12.010. This work shall be completed prior to occupancy of the addition to the existing facility.
- 16. Erosion control plan and storm water pollution prevention plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform to the current NPDES requirements. S.B. Municipal Code 12.16.020.
- 17. Storm water from new and existing roof down spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an under sidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
- 18. Perform water demand calculation based requirements in Chapter 7 of the California Plumbing Code to confirm that the existing water service and meter are sufficient to serve water demand. If existing meter is undersized, a new meter is required. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter. S.B.M.C. 10.14.020/110. Submit these materials to the Engineering Division for review concurrently with OSHPD review.
- 19. Employees shall park in the parking lot, and not on the public street, for the life of the project. The business operator shall include this requirement in new hire orientation and periodically remind employees.

### 6. Discussion

**A. City Staff Discussion:** Commissioners Chase, Biasotti, and Petersen volunteered for the August 11, 2011 Architectural Review Committee meeting.

CD Director Aknin: Glenview Update. As you know there were thirty-eight homes destroyed in the fire. We have issued four building permits for the complete rebuild homes thus far. We also have a few other applications in the building review stage as well as a couple applications in the planning review stage. There are now a total of twenty-four homeowners that are in some stage of permits or planning and moving forward. There are also a few homeowners that are participating in the PG&E buy-out program and intend on selling their homes. I plan to give the commission monthly updates on the Glenview area.

Chair Petersen: What is PG&E's plan for the homes that they bought?

CD Director Aknin: That is something that they will need to propose to the city, which they have not done as of yet. The city is interested in what the residents want to see happen out there.

Chair Petersen: Is that something you would do in a meeting context?

CD Director Aknin: Yes.

Chair Petersen: Most of the information I get is from the press and the press is so dramatically critical of PG&E. If the city doesn't take the initiative, I don't see it coming for them.

CD Director Aknin: I agree. This is going to be something driven by the residents and led by the city. I would also like to inform you that on July 27, 2011, we will be having a neighborhood infrastructure meeting for the Glenview residents to say where we are in terms of rebuilding the roads, sidewalks, sewer and water pipes. The meeting will be held at the Senior Center.

Chair Petersen: It seems to me that the recovery in this area has been really quick. Do you have any comparisons with other disaster areas and their rebuilds?

CD Director Aknin: The residents themselves have shown the utmost enthusiasm to reoccupy the neighborhood and get started on construction. The City Council as well has made great decision on expediting the permit review and permit process.

Chair Petersen: I think that it reflects favorably on the city staff, the City Council, and other parties that have participated in enabling this process.

# **B.** Planning Commission Discussion:

Commissioner Chase: I would like to compliment staff on the thorough staff reports.

### 7. Adjournment

Meeting was adjourned at 8:10 pm

**Aaron Aknin** 

Secretary to the Planning Commission

City of San Bruno

**Perry Petersen**, Chair Planning Commission

City of San Bruno

**NEXT MEETING:** August 16, 2010